

**ATTACHMENT A  
(CONTINUED)**

**ATTACHMENT A  
PROPOSED INTERFERENCE COUNTS**

**Count 1:** A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising: at least one bone contacting surface that is adapted to be secured to a surface of the vertebra; at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface; and wherein no portion of said prosthesis is supported by the lamina of the vertebra.

**Count 2:** A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising: at least one bone contacting surface that is adapted to be secured to a surface of the vertebra; at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface; and wherein no portion of said prosthesis is supported by the lamina of the vertebra and wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.

**Count 3:** A method for replacing at least two facets on a mammalian vertebra, comprising the steps of: resecting a pair of facets on the vertebra; and attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra.

**Count 4:** A method for replacing facets on two adjacent vertebra, comprising the steps of: resecting at least a bony portion of the inferior facets of a superior vertebra; attaching a first prosthesis that replaces said inferior facets of said superior vertebra; resecting at least a bony portion of the superior facets of an inferior vertebra; and attaching a second prosthesis that replaces said superior facets of said inferior vertebra; wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.

**Count 5:** A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising: a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end

**ATTACHMENT A**  
**(CONTINUED)**

comprising a bearing surface for engagement with a facet of an adjacent vertebra; a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and a bridge connecting said second end of said first vertical member to said second end of said second vertical member.

**Count 6:** A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising: a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra; a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and a bridge connecting said second end of said first vertical member to said second end of said second vertical member, wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.

**Count 7:** A spinal implant kit for the replacement of facets, said implant kit comprising: a superior facet prosthesis adapted to replace two superior facets; an inferior facet prosthesis adapted to replace two inferior facets; wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.

**Count 8:** A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising: a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra; a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and a bridge connecting said first vertical member to said second

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**(CONTINUED)**

vertical member; wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.

**ATTACHMENT B**  
**CLAIM CHART CORRELATING PROPOSED COUNTS TO**  
**CLAIMS OF THE '605 PATENT AND CLAIMS OF THE '727 APPLICATION**

<b>Applicant's Proposed Interference Counts</b>	<b>Interfering Claims of U.S. Patent 6,565,605</b>	<b>Allowed Claims of Patent Application Serial No. 10/615,727</b>	<b>Correspondence</b>
<b>Count 1</b> A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:	<b>1.</b> A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:	<b>44.</b> A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:	Claims 1 and 44 are designated as corresponding to count 1 because these claims are copies of the count and therefore anticipate one another.
at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;	at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;	at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;	
at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface;	at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface;	at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface;	
and wherein no portion of said prosthesis is supported by the lamina of the vertebra.	and wherein no portion of said prosthesis is supported by the lamina of the vertebra.	and wherein no portion of said prosthesis is supported by the lamina of the vertebra.	
<b>Count 1</b>	<b>2.</b> The device of claim 1 further comprising fixation elements for securing said at least one bone contacting surface to the vertebra.	<b>45.</b> The device of claim 44 further comprising fixation elements for securing said at least one bone contacting surface to the vertebra.	Claims 2 and 45 correspond to count 1 because the limitations in these claims are obvious variants of the count.
<b>Count 1</b>	<b>3.</b> The device of claim 2 wherein said fixation elements are screws.	<b>46.</b> The device of claim 45 wherein said fixation elements are screws.	Claims 3 and 46 correspond to count 1 because the limitations in these claims are obvious variants of the count.
<b>Count 1</b>	<b>4.</b> The device of claim 1 wherein said at least bone contacting surface is porous coated to allow for bone ingrowth.	<b>47.</b> The device of claim 44 wherein said at least bone contacting surface is porous coated to allow for bone ingrowth.	Claims 4 and 47 correspond to count 1 because the limitations in these claims are obvious variants of the count.
<b>Count 1</b>	<b>5.</b> The device of claim 4 wherein said porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances.	<b>48.</b> The device of claim 47 wherein said porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances.	Claims 4 and 48 correspond to count 1 because the limitations in these claims are obvious variants of the count.

**ATTACHMENT B**  
**(CONTINUED)**

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727	Correspondence
<b><u>Count 1</u></b>	<b>6.</b> The device of claim 1 wherein said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer.	<b>49.</b> The device of claim 44 wherein said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer.	Claims 6 and 49 correspond to count 1 because the limitations in these claims are obvious variants of the count.
<b><u>Count 2</u></b> A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising: at least one bone contacting surface that is adapted to be secured to a surface of the vertebra; at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface; and wherein no portion of said prosthesis is supported by the lamina of the vertebra and wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.	<b>7.</b> The device of claim 1 wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.	<b>50.</b> The device of claim 44 wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.	Claims 7 and 50 are designated as corresponding to count 2 because these claims are copies of the count and therefore anticipate one another.
<b><u>Count 3</u></b> A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:	<b>11.</b> A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:	<b>54.</b> A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:	Claims 11 and 54 are designated as corresponding to count 3 because these claims are copies of the count and therefore anticipate one another.
resecting a pair of facets on the vertebra; and	resecting a pair of facets on the vertebra; and	resecting a pair of facets on the vertebra; and	

**ATTACHMENT B**  
**(CONTINUED)**

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727	Correspondence
attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra.	attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra.	attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra	
<b>Count 4</b> A method for replacing facets on two adjacent vertebra, comprising the steps of:	<b>12.</b> A method for replacing facets on two adjacent vertebra, comprising the steps of:	<b>55.</b> A method for replacing facets on two adjacent vertebra, comprising the steps of:	Claims 12 and 55 are designated as corresponding to count 4 because these claims are copies of the count and therefore anticipate one another.
resecting at least a bony portion of the inferior facets of a superior vertebra;	resecting at least a bony portion of the inferior facets of a superior vertebra;	resecting at least a bony portion of the inferior facets of a superior vertebra;	
attaching a first prosthesis that replaces said inferior facets of said superior vertebra;	attaching a first prosthesis that replaces said inferior facets of said superior vertebra;	attaching a first prosthesis that replaces said inferior facets of said superior vertebra;	
resecting at least a bony portion of the superior facets of an inferior vertebra; and	resecting at least a bony portion of the superior facets of an inferior vertebra; and	resecting at least a bony portion of the superior facets of an inferior vertebra; and	
attaching a second prosthesis that replaces said superior facets of said inferior vertebra;	attaching a second prosthesis that replaces said superior facets of said inferior vertebra;	attaching a second prosthesis that replaces said superior facets of said inferior vertebra;	
wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.	wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.	wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.	

**ATTACHMENT B**  
**(CONTINUED)**

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727	Correspondence
<p><b>Count 5</b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p><b>15.</b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p><b>58.</b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p>Claims 15 and 58 are designated as corresponding to count 5 because these claims are copies of the count and therefore anticipate one another.</p>
<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	
<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	
<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>	<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>	<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>	

**ATTACHMENT B**  
**(CONTINUED)**

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727	Correspondence
<p><b><u>Count 6</u></b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising: a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra; a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and a bridge connecting said second end of said first vertical member to said second end of said second vertical member. wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>	<p><b>16.</b> The prosthesis of claim 15 wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>	<p><b>59.</b> The prosthesis of claim 58 wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>	<p>Claims 16 and 59 are designated as corresponding to count 6 because these claims are copies of the count and therefore anticipate one another.</p>



**ATTACHMENT B**  
**(CONTINUED)**

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727	Correspondence
<b>Count 7</b> A spinal implant kit for the replacement of facets, said implant kit comprising:	<b>17.</b> A spinal implant kit for the replacement of facets, said implant kit comprising:	<b>60.</b> A spinal implant kit for the replacement of facets, said implant kit comprising:	Claims 17 and 60 are designated as corresponding to count 7 because these claims are copies of the count and therefore anticipate one another.
a superior facet prosthesis adapted to replace two superior facets;	a superior facet prosthesis adapted to replace two superior facets;	a superior facet prosthesis adapted to replace two superior facets;	
an inferior facet prosthesis adapted to replace two inferior facets;	an inferior facet prosthesis adapted to replace two inferior facets;	an inferior facet prosthesis adapted to replace two inferior facets;	
wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and	wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and	wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and	
wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.	wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.	wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.	

# ATTACHMENT B (CONTINUED)

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727	Correspondence
<b>Count 8</b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:	<b>18.</b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:	<b>61.</b> A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:	Claims 18 and 61 are designated as corresponding to count 8 because these claims are copies of the count and therefore anticipate one another.
a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;	a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;	a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;	
a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and	a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and	a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and	
a bridge connecting said first vertical member to said second vertical member;	a bridge connecting said first vertical member to said second vertical member;	a bridge connecting said first vertical member to said second vertical member;	
wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.	wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.	wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.	

**ATTACHMENT C**  
**CLAIM CHART CORRELATING THE WRITTEN SUPPORT**  
**FOR THE CLAIMS OF THE ‘727 APPLICATION WITH PRIORITY APPLICATIONS**

While the written description support in Provisional Application Ser. 60/160,891 filed October 22, 1999, detailed below relates to the embodiments of hemi-lamina/facet prosthesis 700, Applicant points out that the hemi-lamina/facet prosthesis 700 “may be designed similarly, or even identically, to the inferior lamina/facet prosthesis 500” as described in the ‘891 application (see page 13 line 28 to page 14 line 1). As such, support for the copied claims may also be provided by various aspects of the embodiments of the inferior lamina/facet prosthesis 500. Similarly, while the written description support in Non-Provisional Application Ser. 09/693,272 filed October 20, 2000 (now U.S. Patent 6,610,091, issued August 26, 2003) detailed below relates to the embodiments of hemi-lamina/facet prosthesis 700, Applicant points out that the hemi-lamina/facet prosthesis 700 “may be designed similarly, or even identically, to the inferior lamina/facet prosthesis 500” (see Col. 11 lines 38-41, U.S. Patent 6,610,091). As such, support for the copied claims may also be provided by various aspects of the embodiments of the inferior lamina/facet prosthesis 500 as described in the ‘091 patent. In addition, while the written description support in the instant Non-Provisional Application Ser. 10/615,727 filed July 9, 2003 detailed below relates to the embodiments of hemi-lamina/facet prosthesis 700, Applicant points out that the hemi-lamina/facet prosthesis 700 “may be designed similarly, or even identically, to the inferior lamina/facet prosthesis 500” (see [0113] of the ‘727 application). As such, support for the copied claims may also be provided by various aspects of the embodiments of the inferior lamina/facet prosthesis 500 as described in the ‘727 application.

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p><b>Claim 44.</b> (Copied from US 6,565,605, Claim 1) A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:</p>	<p>The '891 application describes a spinal prosthesis designed to replace facet joints and/or parts of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5 and L5-S-1 (page 3 lines 19-20 and Figs. 24 and 25) which is "a prosthesis for the replacement of at least two facets located on a mammalian vertebra."</p>	<p>The 091 patent discloses that embodiments of the prosthesis 700 may be used to replace one or more facet joints for the entire length of the spine from S1-T11, on one side of a given vertebra, or on both sides of a given vertebra, or a combination thereof along the entire length of the spine (Col. 14, lines 27-37), which is "a prosthesis for the replacement of at least two facets located on a mammalian vertebra."</p>	<p>The 091 patent discloses that embodiments of the prosthesis 700 may be used to replace one or more facet joints for the entire length of the spine from S1-T11, on one side of a given vertebra, or on both sides of a given vertebra, or a combination thereof along the entire length of the spine ([0131]), which is "a prosthesis for the replacement of at least two facets located on a mammalian vertebra."</p>	<p><b>FIG. 24</b></p> <p><b>FIG. 25</b></p>

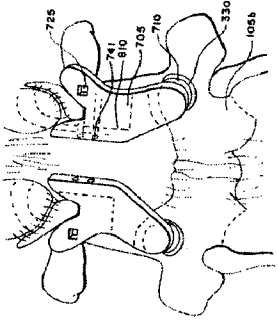
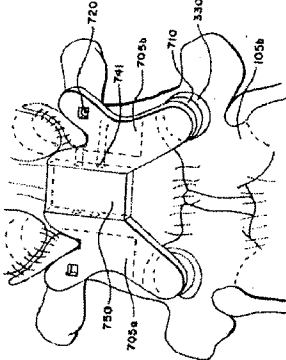
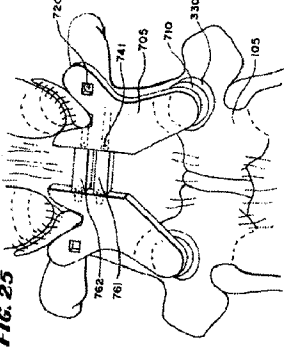
# ATTACHMENT C (CONTINUED)

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) -- USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;	FIG. 24 of the '891 application shows the prosthesis 700 adapted to be secured to a portion of base member 705b near pedicle attachment hole 725 in FIG. 24. The prosthesis is adapted to be secured to the surface of the vertebra by securing to the pedicle 102b using pedicle screw 720 (see page 14, lines 22-27). This disclosure is "at least one bone contacting surface that is adapted to be secured to a surface of the vertebra."	FIG. 24 of the '091 Patent shows the prosthesis 700 adapted to be secured to a portion of base member 705b near pedicle attachment hole 725 in FIG. 24. The prosthesis is adapted to be secured to the surface of the vertebra by securing to the pedicle 102b using pedicle screw 720 (See Col. 14 lines 1-2). This disclosure is "at least one bone contacting surface that is adapted to be secured to a surface of the vertebra."	FIG. 24 of the '091 Patent shows the prosthesis 700 adapted to be secured to a portion of base member 705b near pedicle attachment hole 725 in FIG. 24. The prosthesis is adapted to be secured to the surface of the vertebra by securing to the pedicle 102b using pedicle screw 720 (See [0127]). This disclosure is "at least one bone contacting surface that is adapted to be secured to a surface of the vertebra."	<p><b>FIG. 24</b></p>

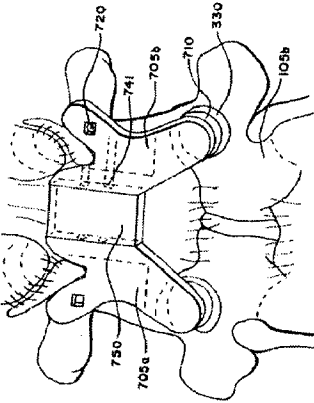
# ATTACHMENT C (CONTINUED)

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface; and	The '891 application provides that prosthesis 700 includes head members 710 that are at least two bearing surfaces for articulating with other facets (See description of head members 510a, 510b of prosthesis 500 at page 11 lines 12-19 and Figs. 11, 12 and see description of head member 710 at page 16 lines 4-7). One head member 710 is attached to base member 705a, another head member 710 is attached to the base member 705b and the connection plate 750 connects the base member 705a to the base member 705b (See page 15 lines 5-9) which is "at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface."	The '091 Patent provides that prosthesis 700 includes head members 710 that are at least two bearing surfaces for articulating with other facets (See description of head members 510a, 510b of prosthesis 500 at Col. 9 line 46 – Col. 10 line 10 and FIG. 11 and see description of head member 710 at Col. 12 lines 41-65). One head member 710 is attached to base member 705a, another head member 710 is attached to the base member 705b and the connection plate 750 connects the base member 705a to the base member 705b (Col. 12 lines 17-40 and FIG. 24), which is "at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface."	The '091 Patent provides that prosthesis 700 includes head members 710 that are at least two bearing surfaces for articulating with other facets (See description of head members 510a, 510b of prosthesis 500 at [0099-0100] and FIG. 11 and see description of head member 710 at [0118-0119]). One head member 710 is attached to base member 705a, another head member 710 is attached to the base member 705b and the connection plate 750 connects the base member 705a to the base member 705b ([0117] and FIG. 24), which is "at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface."	<p><b>FIG. 11</b></p> <p><b>FIG. 12</b></p>

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p>wherein no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p>The '891 application provides that no portion of the prosthesis 700 is supported by the lamina of a vertebra (See Figs. 23, 24 and 25) which is "no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p>The '091 Patent provides that no portion of the prosthesis 700 is supported by the lamina of a vertebra (See Figs. 23, 24 and 25), which is "no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p>The '091 Patent provides that no portion of the prosthesis 700 is supported by the lamina of a vertebra (See Figs. 23, 24 and 25), which is "no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p><b>FIG. 23</b></p>  <p><b>FIG. 24</b></p>  <p><b>FIG. 25</b></p> 

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) -- USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p><b>Claim 45.</b> (Copied from US 6,565,605, Claim 2) The device of claim 44 further comprising fixation elements for securing said at least one bone contacting surface to the vertebra.</p>	<p>The '891 application provides that the prosthesis 700 may be fixed or anchored to each pedicle 102a and 102b with pedicle screws 720, or a nail, anchor, break away anchor, bolt or other fastening means (page 14 lines 24-27 and FIG. 24) which is a "fixation elements for securing said at least one bone contacting surface to the vertebra."</p>	<p>The '091 patent provides that the base member 705 may comprise a pedicle attachment hole 725. A pedicle screw 720, nail, anchor, break away anchor, bolt or other fastening means may be used to help secure the hemi-lamina/facet prosthesis 700 (Col. 12 lines 1-9). The base member 705 may be fixed or anchored directly to the inferior portion of a vertebral body (Col. 11 line 53-54 and FIG. 24), which is a "fixation elements for securing said at least one bone contacting surface to the vertebra."</p>	<p>The '091 patent provides that the base member 705 may comprise a pedicle attachment hole 725. A pedicle screw 720, nail, anchor, break away anchor, bolt or other fastening means may be used to help secure the hemi-lamina/facet prosthesis 700 ([0116]). The base member 705 may be fixed or anchored directly to the inferior portion of a vertebral body ([0114] and FIG. 24), which is a "fixation elements for securing said at least one bone contacting surface to the vertebra."</p>	<p><b>FIG. 24</b></p> 
<p><b>Claim 46.</b> (Copied from US 6,565,605, Claim 3) The device of claim 45 wherein said fixation elements are screws.</p>	<p>The '891 application provides that the base member 705a/b of prosthesis 700 is attached to each pedicle 102a and 102b with a pedicle screw 720 (page 14 lines 24-27 and FIG. 24), which is "said fixation elements are screws."</p>	<p>The '091 Patent provides that the prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 (Col. 12, lines 4-9 and FIG. 24), which is "said fixation elements are screws."</p>	<p>The '091 Patent provides that the prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 ([0116] and FIG. 24), which is "said fixation elements are screws."</p>	



# ATTACHMENT C (CONTINUED)

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<b>Claim 47.</b> (Copied from US 6,565,605, Claim 4) The device of claim 44 wherein said at least bone contacting surface is porous coated to allow for bone ingrowth.	The '891 application provides that one or more surfaces of the inferior lamina/facet prosthesis 500 may be covered with various coatings such as antimicrobial, antithrombotic and osteoinductive agents, or a combination thereof (see page 11 lines 20-22). which is "at least bone contacting surface is porous coated to allow for bone ingrowth." Prosthesis 700 may also be similarly designed (page 13 line 29-page 14 line 7).	The '091 Patent provides that one or more surfaces of the hemi-lamina/facet prosthesis 700 may be covered with various coatings such as antimicrobial, antithrombotic and osteoinductive agents, or a combination thereof (see Col. 12 line 66 – Col. 13 line 3), which is "at least bone contacting surface is porous coated to allow for bone ingrowth."	The '091 Patent provides that one or more surfaces of the hemi-lamina/facet prosthesis 700 may be covered with various coatings such as antimicrobial, antithrombotic and osteoinductive agents, or a combination thereof ([0120]), which is "at least bone contacting surface is porous coated to allow for bone ingrowth."	
<b>Claim 48.</b> (Copied from US 6,565,605, Claim 5) The device of claim 47 wherein said porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances.	The '891 application provides that one or more surfaces of the inferior lamina/facet prosthesis 500 may be covered with various coatings such as antimicrobial, antithrombotic and osteoinductive agents, or a combination thereof (see page 11 lines 20-22), which is "porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances." Prosthesis 700 may also be similarly designed (page 13 line 29-page 14 line 7).	The '091 Patent provides that one or more surfaces of the hemi-lamina/facet prosthesis 700 may be covered with various coatings such as antimicrobial, antithrombotic and osteoinductive agents, or a combination thereof (see Col. 12 line 66 – Col. 13 line 3), which is "porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances."	The '091 Patent provides that one or more surfaces of the hemi-lamina/facet prosthesis 700 may be covered with various coatings such as antimicrobial, antithrombotic and osteoinductive agents, or a combination thereof (see [0120]), which is "porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances."	

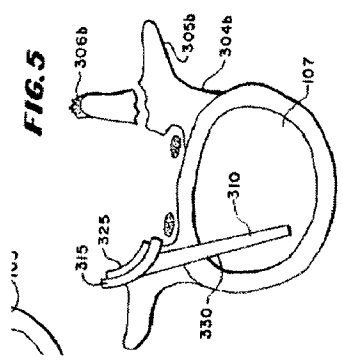
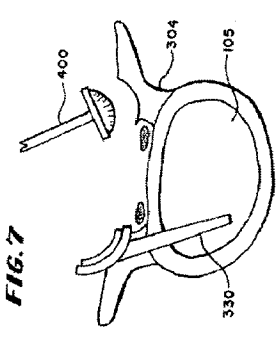
# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln. Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<b>Claim 49.</b> (Copied from US 6,565,605, Claim 6) The device of claim 44 wherein said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer.	The '891 application provides that head members 710 "may be made of various materials commonly used in the prosthetic arts including, but not limited to, polyethylene, rubber, tantalum, titanium, chrome cobalt, surgical steel, bony ingrowth surfaces, ceramics, artificial bone or a combination thereof" (See page 15, lines 23-29), which is "said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer."	The '091 Patent provides that head members 710 "may be made of various materials commonly used in the prosthetic arts including, but not limited to, polyethylene, rubber, tantalum, titanium, chrome cobalt, surgical steel, bony ingrowth surfaces, ceramics, artificial bone or a combination thereof" (See Col. 12, lines 41-60), which is "said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer."	The '091 Patent provides that head members 710 "may be made of various materials commonly used in the prosthetic arts including, but not limited to, polyethylene, rubber, tantalum, titanium, chrome cobalt, surgical steel, bony ingrowth surfaces, ceramics, artificial bone or a combination thereof" (See [0118]), which is "said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer."	
<b>Claim 50.</b> (Copied from US 6,565,605, Claim 7) The device of claim 44 wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.	As illustrated in FIG. 24 of the '891 application, the two head members 710 (i.e., the at least two bearing surfaces) replace the pair of inferior facets of the illustrated vertebra, which is the "prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets."	As illustrated in FIG. 24 of the '091 Patent, the two head members 710 (i.e., the at least two bearing surfaces) replace the pair of inferior facets of the illustrated vertebra, which is the "prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets."	As illustrated in FIG. 24 of the '091 Patent, the two head members 710 (i.e., the at least two bearing surfaces) replace the pair of inferior facets of the illustrated vertebra, which is the "prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets."	<p><b>FIG. 24</b></p>

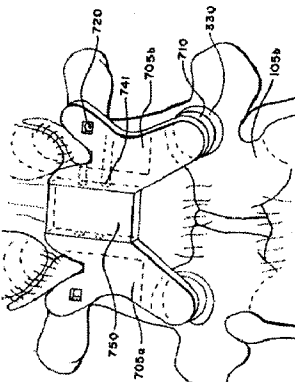
# ATTACHMENT C (CONTINUED)

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p><b>Claim 54.</b> (Copied from US 6,565,605, Claim 11) A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:</p>	<p>The '891 application describes spinal prosthesis designed to replace facet joints and/or parts of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5 and L5-S-1 (page 3 lines 19-20 and Figs. 24 and 25). The hemi-lamina/facet prosthesis of the present invention may be used to replace parts of a lamina and inferior facets, some or all which may be removed in a primary procedural bone resection (page 13 lines 25-27). Surgical procedures are recited in claims 7, 9 and 10. These are "a method for replacing at least two facets on a mammalian vertebra."</p>	<p>The '091 Patent describes spinal prosthesis designed to replace facet joints and/or part of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5, L5-S-1, T11-T12, and T12-L1 (Col 2 lines 54-59). Another aspect of the invention provides surgical procedures for performing replacements of various facets in the spine includes replacing at least two facets (See Col. 2 line 60 – Col. 3 line 19). These are "a method for replacing at least two facets on a mammalian vertebra."</p>	<p>The '091 Patent describes spinal prosthesis designed to replace facet joints and/or part of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5, L5-S-1, T11-T12, and T12-L1 ([0113]). Another aspect of the invention provides surgical procedures for performing replacements of various facets in the spine includes replacing at least two facets (See [0014-0018]). These are "a method for replacing at least two facets on a mammalian vertebra."</p>	<p><b>FIG. 25</b></p>
<p>resecting a pair of facets on the vertebra; and</p>	<p><b>FIG. 6</b> of the '891 application illustrates trimming superior facet 305 (pg. 9 lines 6-9) and prosthesis of the invention may "replace both inferior segments of the facet" (pg. 10 lines 2-3). The hemi-lamina/facet prosthesis of the present invention may be used to replace parts of a lamina and inferior facets, some or all which may be removed in a primary procedural bone resection (page 13 lines 25-27), which is the "resecting a pair of facets on the vertebra."</p>	<p><b>FIG. 6</b> of the '091 Patent illustrates trimming superior facet 305 (Col. 8 lines 14-16) and prosthesis of the invention may "replace both inferior segments of the facet (Col. 8 lines 52-60). A hemi-lamina/facet prosthesis 700 may be used to replace inferior processes (i.e., facets) some or all of which "may have been removed in a primary procedural bone resection" (see Col. 11 lines 32-38), which is the "resecting a pair of facets on the vertebra."</p>	<p><b>FIG. 6</b> of the '091 Patent illustrates trimming superior facet 305 ([0086]) and prosthesis of the invention may "replace both inferior segments of the facet ([0091-0093]). A hemi-lamina/facet prosthesis 700 may be used to replace inferior processes (i.e., facets) some or all of which "may have been removed in a primary procedural bone resection" ([0113]), which is the "resecting a pair of facets on the vertebra."</p>	<p><b>FIG. 6</b></p>

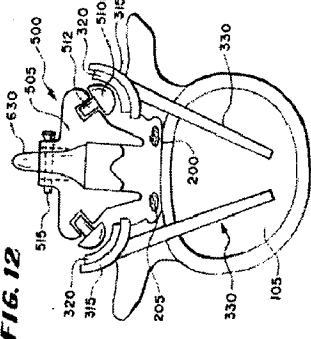
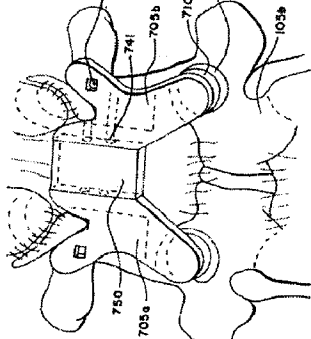
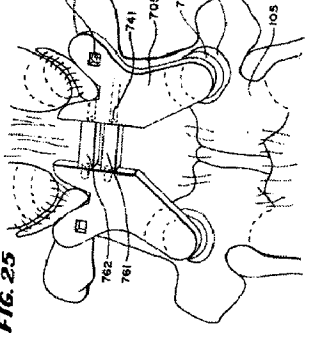
# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets,	<p>The '891 application describes a prosthesis 700 that is shown attached to the vertebra via inferior pedicle 102b using pedicle screw 720 (Fig. 24 and page 14 lines 18-19). The base members 710 are positioned to replace the inferior facets that have been resected (i.e., as shown in Figs. 5, 6, or 7, claim 7, claim 9 and page 9 lines 1-11). Hemi-lamina/facet prosthesis 700 may be used to replace parts of the inferior facets "some or all of which may have been removed in a primary procedural bone resection" (see page 13 lines 25-28). The base members are the pair of bearing surfaces and the step of positioning the base members to replace the inferior facets that have been resected are "attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets."</p>	<p>The '091 Patent describes a prosthesis 700 that is shown attached to the vertebra via inferior pedicle 102b using pedicle screw 720 (Fig. 24 and Col. 12 lines 1-9). The base members 710 are positioned to replace the inferior facets that have been resected (i.e., as shown in Figs. 5, 6, or 7, Col. 12 lines 41-60). A hemi-lamina/facet prosthesis 700 may be used to replace inferior processes (i.e., facets) some or all of which "may have been removed in a primary procedural bone resection" (see Col. 11 lines 32-38). The base members are the pair of bearing surfaces and the step of positioning the base members to replace the inferior facets that have been resected are "attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets."</p>	<p>The '091 Patent describes a prosthesis 700 that is shown attached to the vertebra via inferior pedicle 102b using pedicle screw 720 (Fig. 24 and [0116]). The base members 710 are positioned to replace the inferior facets that have been resected (i.e., as shown in Figs. 5, 6, or 7, [0118]). A hemi-lamina/facet prosthesis 700 may be used to replace inferior processes (i.e., facets) some or all of which "may have been removed in a primary procedural bone resection" (see [0113]). The base members are the pair of bearing surfaces and the step of positioning the base members to replace the inferior facets that have been resected are "attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets."</p>	 

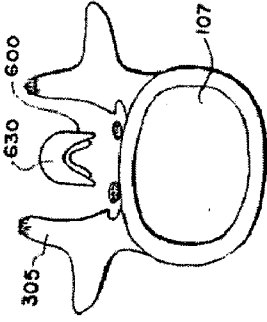
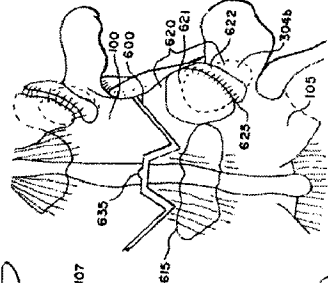
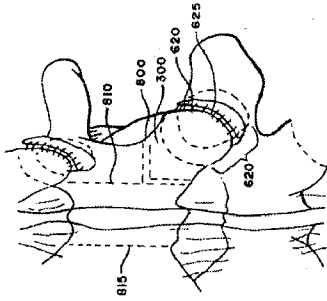
# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p>wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p>The '891 application provides that no portion of the prosthesis 700 is supported by the lamina of a vertebra (See FIG. 24).</p>	<p>The '091 Patent provides that no portion of the prosthesis 700 is supported by the lamina of a vertebra (See FIG. 24).</p>	<p>The '091 Patent provides that no portion of the prosthesis 700 is supported by the lamina of a vertebra (See FIG. 24).</p>	<p><b>FIG. 24</b></p> 

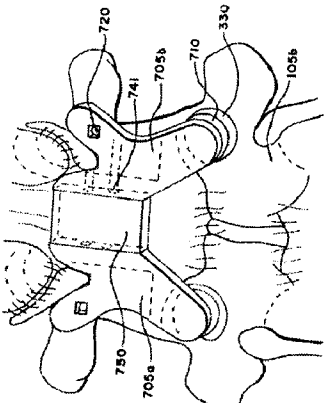
# ATTACHMENT C (CONTINUED)

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p><b>Claim 55.</b> (Copied from US 6,565,605, Claim 12) A method for replacing facets on two adjacent vertebra, comprising the steps of:</p>	<p>The '891 application describes a spinal prosthesis designed to replace facet joints and/or parts of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5 and L5-S-1 (page 3 lines 19-20 and Figs. 24 and 25). The hemi-lamina/facet prosthesis of the present invention may be used to replace parts of a lamina and inferior facets, some or all which may be removed in a primary procedural bone resection (page 13 lines 25-27). Surgical procedures are recited in claims 7, 9 and 10. Another embodiment comprises a bilateral facet arthroplasty system that may replace inferior and superior facets (See page 3 line 28 – page 4 line 8).</p>	<p>The '091 Patent describes a spinal prosthesis designed to replace facet joints and/or part of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5, L5-S-1, T11-T12, and T12-L1 (Col 2 lines 54-59). Another aspect of the invention provides surgical procedures for performing replacements of various facets in the spine including replacing at least two facets (See Col. 2 line 60 – Col. 3 line 19). Superior and inferior facets may be removed and replaced with spinal prosthesis of the invention (see Col. 2 lines 54-57) including superior facet joints (Col. 7 lines 45-50) and inferior facet joints (Col. 8 lines 52-60) as well as a total facet replacement system (see Col. 9 lines 8-20 and Fig. 12)</p>	<p>The '091 Patent describes a spinal prosthesis designed to replace facet joints and/or part of the lamina at virtually all spinal levels including L1-L2, L2-L3, L3-L4, L4-L5, L5-S-1, T11-T12, and T12-L1 ([0013]). Another aspect of the invention provides surgical procedures for performing replacements of various facets in the spine including replacing at least two facets ([0015-0018]). Superior and inferior facets may be removed and replaced with spinal prosthesis of the invention (see [0013]) including superior facet joints ([0082]) and inferior facet joints ([0091-0093]) as well as a total facet replacement system ([0096] and Fig. 12)</p>	<p><b>FIG. 12</b></p>  <p><b>FIG. 24</b></p>  <p><b>FIG. 25</b></p> 

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
resecting at least a bony portion of the inferior facets of a superior vertebra;	<p>The '891 application describes a hemi-lamina/facet prosthesis 700 that may be used to replace parts of the inferior facets "some or all of which may have been removed in a primary procedural bone resection" (see page 13 lines 25-28).</p> <p>The inferior half of the facet joint may be cut at or near the inferior facet resection line 600 as depicted in FIG. 16, FIG. 17 and FIG. 26. (see page 12 lines 15-23, page 6 lines 8-10 and page 17 lines 1-16).</p>	<p>The '091 Patent describes a hemi-lamina/facet prosthesis 700 that may replace both inferior processes (i.e., facets) "some or all of which may have been removed in a primary procedural bone resection" (see Col. 11 lines 32-38). The inferior facet joint may be cut as depicted in FIG. 26 or may be cut on one or both sides of a decompression resection line (Col. 13 lines 29-40).</p>	<p>The '091 Patent describes a hemi-lamina/facet prosthesis 700 that may replace both inferior processes (i.e., facets) "some or all of which may have been removed in a primary procedural bone resection" (see [0111-0113]). The inferior facet joint may be cut as depicted in FIG. 26 or may be cut on one or both sides of a decompression resection line ([0124]).</p>	<p><b>FIG. 16</b></p>  <p><b>FIG. 17</b></p>  <p><b>FIG. 26</b></p> 

# **ATTACHMENT C** **(CONTINUED)**

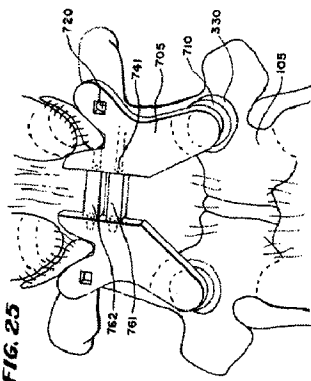
Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
attaching a first prosthesis that replaces said inferior facets of said superior vertebra;	The hemi-lamina/facet prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 and replaces the inferior facets of the superior vertebra (see FIG. 24).	The hemi-lamina/facet prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 and replaces the inferior facets of the superior vertebra (see FIG. 24).	The hemi-lamina/facet prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 and replaces the inferior facets of the superior vertebra (see FIG. 24).	<b>FIG. 24</b> 
resecting at least a bony portion of the superior facets of an inferior vertebra; and	Resection has occurred on the superior facets of the inferior vertebra prior to implantation of the universal facet 330 (see FIG. 24 and page 9 lines 1-11) that is “resecting at least a bony portion of the superior facets of an inferior vertebra.”	Resection has occurred on the superior facets of the inferior vertebra prior to implantation of the universal facet 330 (See FIG. 24 and Col. 8 lines 8-20) that is “resecting at least a bony portion of the superior facets of an inferior vertebra.”	Resection has occurred on the superior facets of the inferior vertebra prior to implantation of the universal facet 330 (See FIG. 24 and [0085-0086]) that is “resecting at least a bony portion of the superior facets of an inferior vertebra.”	
attaching a second prosthesis that replaces said superior facets of said inferior vertebra;	There are two universal facet prosthesis 330 attached to the inferior vertebra in FIG. 24 (see page 9 lines 1-29) that replace the superior facets..	There are two universal facet prosthesis 330 attached to the inferior vertebra in FIG. 24 (See FIG. 24 and Col. 8 lines 8-20 and Col. 12 lines 49-54).	There are two universal facet prosthesis 330 attached to the inferior vertebra in FIG. 24 (See FIG. 24 and [0085-0086] and [0018]).	
wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and	As illustrated in FIG. 24, the prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 such that no portion of the prosthesis is supported by the lamina of the superior vertebra.	As illustrated in FIG. 24, the prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 such that no portion of the prosthesis is supported by the lamina of the superior vertebra.	As illustrated in FIG. 24, the prosthesis 700 is attached to each pedicle 102a and 102b with pedicle screws 720 such that no portion of the prosthesis is supported by the lamina of the superior vertebra.	



# **ATTACHMENT C (CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.	FIG. 24 illustrates the universal facet prosthesis 330 (i.e., the second prosthesis) fixed to the vertebral body 107 and not supported by the lamina of the inferior vertebra (page 9 lines 1-29 and FIG. 24).	FIG. 24 illustrates the universal facet prosthesis 330 (i.e., the second prosthesis) fixed to the vertebral body 107 and not supported by the lamina of the inferior vertebra (Col. 8 lines 8-41).	FIG. 24 illustrates the universal facet prosthesis 330 (i.e., the second prosthesis) fixed to the vertebral body 107 and not supported by the lamina of the inferior vertebra ([0085-0090]).	
<b>Claim 58.</b> (Copied from US 6,565,605, Claim 15) A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:	The invention comprises bilateral facet arthroplasty system that replaces both inferior or superior segments (see page 3 line 28- page 4 line 5).	The invention comprises bilateral facet arthroplasty system that replaces both inferior or superior facet segments (Col. 2 line 66 – Col. 3 line 7).	The invention comprises bilateral facet arthroplasty system that replaces both inferior or superior facet segments ([0015-0018]).	
a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;	FIG. 25 illustrates a prosthesis having first vertical member (right hand side base member 705) with a first end adjacent the pedicle screw 720 that is “being adapted for disposition against, and attachment to, a first pedicle of a vertebra”. The right hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is “a bearing surface for engagement with a facet of an adjacent vertebra” (see FIG. 25 and page 16 lines 4-7).	FIG. 25 illustrates a prosthesis having first vertical member (right hand side base member 705) with a first end adjacent the pedicle screw 720 that is “being adapted for disposition against, and attachment to, a first pedicle of a vertebra”. The right hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is “a bearing surface for engagement with a facet of an adjacent vertebra” (see FIG. 25 and Col. 12 lines 17-40).	FIG. 25 illustrates a prosthesis having first vertical member (right hand side base member 705) with a first end adjacent the pedicle screw 720 that is “being adapted for disposition against, and attachment to, a first pedicle of a vertebra”. The right hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is “a bearing surface for engagement with a facet of an adjacent vertebra” (see FIG. 25 and [0117]).	<p align="center"><b>FIG. 25</b></p>

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p><b>FIG. 25</b> illustrates a prosthesis having second vertical member (left hand side base member 705) with a first end adjacent the pedicle screw 720 that is “being adapted for disposition against, and attachment to, a first pedicle of a vertebra”. The left hand side base member 705 has a second end adjacent the head member 710 and the head member 710 is “a bearing surface for engagement with a facet of an adjacent vertebra” (see FIG. 25 and page 14 lines 18-27 and page 16 lines 4-7).</p>	<p><b>FIG. 25</b> illustrates a prosthesis having second vertical member (left hand side base member 705) with a first end adjacent the pedicle screw 720 that is “being adapted for disposition against, and attachment to, a first pedicle of a vertebra”. The left hand side base member 705 has a second end adjacent the head member 710 and the head member 710 is “a bearing surface for engagement with a facet of an adjacent vertebra” (see FIG. 25 and Col. 12 lines 17-40).</p>	<p><b>FIG. 25</b> illustrates a prosthesis having second vertical member (left hand side base member 705) with a first end adjacent the pedicle screw 720 that is “being adapted for disposition against, and attachment to, a first pedicle of a vertebra”. The left hand side base member 705 has a second end adjacent the head member 710 and the head member 710 is “a bearing surface for engagement with a facet of an adjacent vertebra” (see FIG. 25 and [0117]).</p>	
<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>	<p><b>FIG. 25</b> illustrates stabilization bars 761, 762 fixed to the base members 705 thereby connecting the second end of said first vertical member (right hand side base member 705) to said second end of said second vertical member (left hand side base member 705). A hemi-lamina/facet prosthesis may have any type of bridging or stabilizing members 761, 762 to provide appropriate stability to the spine (See page 15 lines 10-16).</p>	<p><b>FIG. 25</b> illustrates stabilization bars 761, 762 fixed to the base members 705 thereby connecting the second end of said first vertical member (right hand side base member 705) to said second end of said second vertical member (left hand side base member 705). A hemi-lamina/facet prosthesis may have any type of bridging or stabilizing members 761, 762 to provide appropriate stability to the spine (see FIG. 25 and Col. 12 lines 17-40).</p>	<p><b>FIG. 25</b> illustrates stabilization bars 761, 762 fixed to the base members 705 thereby connecting the second end of said first vertical member (right hand side base member 705) to said second end of said second vertical member (left hand side base member 705). A hemi-lamina/facet prosthesis may have any type of bridging or stabilizing members 761, 762 to provide appropriate stability to the spine (see FIG. 25 and [0117]).</p>	 <p><b>FIG. 25</b></p>

# **ATTACHMENT C (CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) -- USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p><b>Claim 59.</b> (Copied from US 6,565,605, Claim 16) The prosthesis of claim 58 wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>	<p><b>FIG. 25</b> illustrates the prosthesis 700 in position where the first end and the second end of the base members 705 are disposed against, and attached to, the pedicles of the vertebra (i.e., at pedicle attachment holes 725 using pedicle screws 720) while the stabilizing members 762, 761 (i.e., bridging member) and the rest of the vertical members (i.e., base members 705) are displaced from the lamina.</p>	<p><b>FIG. 25</b> illustrates the prosthesis 700 in position where the first end and the second end of the base members 705 are disposed against, and attached to, the pedicles of the vertebra (i.e., at pedicle attachment holes 725 using pedicle screws 720) while the stabilizing members 762, 761 (i.e., bridging member) and the rest of the vertical members (i.e., base members 705) are displaced from the lamina.</p>	<p><b>FIG. 25</b> illustrates the prosthesis 700 in position where the first end and the second end of the base members 705 are disposed against, and attached to, the pedicles of the vertebra (i.e., at pedicle attachment holes 725 using pedicle screws 720) while the stabilizing members 762, 761 (i.e., bridging member) and the rest of the vertical members (i.e., base members 705) are displaced from the lamina.</p>	
<p><b>Claim 60.</b> (Copied from US 6,565,605, Claim 17) A spinal implant kit for the replacement of facets, said implant kit comprising:</p>	<p>Because all of the elements in the kit claim are disclosed in this application (see below), it would have been obvious to in view of this disclosure to place the variously described facet prosthesis into a kit.</p>	<p>Because all of the elements in the kit claim are disclosed in this application (see below), it would have been obvious to in view of this disclosure to place the variously described facet prosthesis into a kit.</p>	<p>Because all of the elements in the kit claim are disclosed in this application (see below), it would have been obvious to in view of this disclosure to place the variously described facet prosthesis into a kit.</p>	

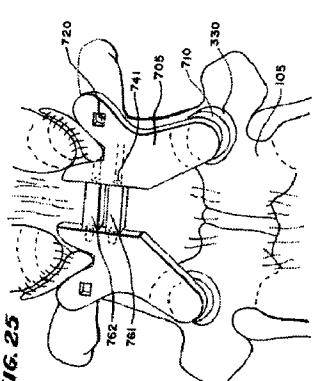
# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) -- USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
a superior facet prosthesis adapted to replace two superior facets;	FIG. 24 illustrates two universal facets 330 adapted to replace two superior facets.	FIG. 24 illustrates two universal facets 330 adapted to replace two superior facets.	FIG. 24 illustrates two universal facets 330 adapted to replace two superior facets.	<p><b>FIG. 24</b></p>
an inferior facet prosthesis adapted to replace two inferior facets;	FIG. 24 has two head members 710 adapted to replace inferior facets.	FIG. 24 has two head members 710 adapted to replace inferior facets.	FIG. 24 has two head members 710 adapted to replace inferior facets.	

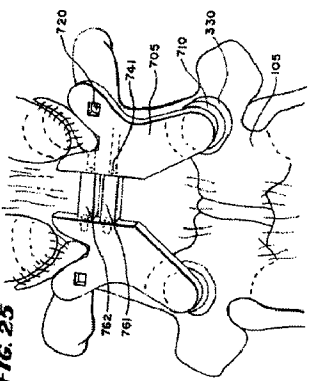
# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and	Figs. 5 and 7 illustrate placement of the universal facet 330 similar to that of FIG. 24 where the universal facet 330 is not supported by a lamina.	Figs. 5 and 7 illustrate placement of the universal facet 330 similar to that of FIG. 24 where the universal facet 330 is not supported by a lamina.	Figs. 5 and 7 illustrate placement of the universal facet 330 similar to that of FIG. 24 where the universal facet 330 is not supported by a lamina.	<p><b>FIG. 5</b></p> <p><b>FIG. 7</b></p> <p><b>FIG. 24</b></p>

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.	The two head members 710 are connected to base members 705a, 705b that are in turn attached to the pedicles (via screws 720) so that no portion is supported by a lamina.	The two head members 710 are connected to base members 705a, 705b that are in turn attached to the pedicles (via screws 720) so that no portion is supported by a lamina.	The two head members 710 are connected to base members 705a, 705b that are in turn attached to the pedicles (via screws 720) so that no portion is supported by a lamina.	
<b>Claim 61.</b> (Copied from US 6,565,605, Claim 18) A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:	The invention comprises bilateral facet arthroplasty system that replaces both inferior or superior facet segments (see page 3 line 28- page 4 line 5).	The invention comprises bilateral facet arthroplasty system that replaces both inferior or superior facet segments (Col. 2 line 66 – Col. 3 line 7).	The invention comprises bilateral facet arthroplasty system that replaces both inferior or superior facet segments ([0015-0018]).	
a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;	<b>FIG. 25</b> illustrates a prosthesis having first vertical member (right hand side base member 705) with a first end adjacent the pedicle screw 720 that is "being adapted for disposition against, and attachment to, a first pedicle of a vertebra". The right hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is "a bearing surface for engagement with a facet of an adjacent vertebra" (see FIG. 25 and page 16 lines 4-7).	<b>FIG. 25</b> illustrates a prosthesis having first vertical member (right hand side base member 705) with a first end adjacent the pedicle screw 720 that is "being adapted for disposition against, and attachment to, a first pedicle of a vertebra". The right hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is "a bearing surface for engagement with a facet of an adjacent vertebra" (see FIG. 25 and Col. 12 lines 17-40).	<b>FIG. 25</b> illustrates a prosthesis having first vertical member (right hand side base member 705) with a first end adjacent the pedicle screw 720 that is "being adapted for disposition against, and attachment to, a first pedicle of a vertebra". The right hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is "a bearing surface for engagement with a facet of an adjacent vertebra" (see FIG. 25 and [0117]).	<b>FIG. 25</b> 

# ATTACHMENT C (CONTINUED)

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and	FIG. 25 illustrates a prosthesis having second vertical member (left hand side base member 705) with a first end adjacent the pedicle screw 720 that is "being adapted for disposition against, and attachment to, a first pedicle of a vertebra". The left hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is "a bearing surface for engagement with a facet of an adjacent vertebra" (see FIG. 25 and Col. 12 lines 17-40).	FIG. 25 illustrates a prosthesis having second vertical member (left hand side base member 705) with a first end adjacent the pedicle screw 720 that is "being adapted for disposition against, and attachment to, a first pedicle of a vertebra". The left hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is "a bearing surface for engagement with a facet of an adjacent vertebra" (see FIG. 25 and Col. 12 lines 17-40).	FIG. 25 illustrates a prosthesis having second vertical member (left hand side base member 705) with a first end adjacent the pedicle screw 720 that is "being adapted for disposition against, and attachment to, a first pedicle of a vertebra". The left hand side base member 705 has and a second end adjacent the head member 710 and the head member 710 is "a bearing surface for engagement with a facet of an adjacent vertebra" (see FIG. 25 and [0117]).	
a bridge connecting said first vertical member to said second vertical member;	FIG. 25 illustrates stabilization bars 761, 762 fixed to the base members 705 thereby connecting the second end of said first vertical member (right hand side base member 705) to said second end of said second vertical member (left hand side base member 705). A hemi-lamina/facet prosthesis may have any type of bridging or stabilizing members 761, 762 to provide appropriate stability to the spine (See page 15 lines 10-16).	FIG. 25 illustrates stabilization bars 761, 762 fixed to the base members 705 thereby connecting the second end of said first vertical member (right hand side base member 705) to said second end of said second vertical member (left hand side base member 705). A hemi-lamina/facet prosthesis may have any type of bridging or stabilizing members 761, 762 to provide appropriate stability to the spine (see FIG. 25 and Col. 12 lines 17-40).	FIG. 25 illustrates stabilization bars 761, 762 fixed to the base members 705 thereby connecting the second end of said first vertical member (right hand side base member 705) to said second end of said second vertical member (left hand side base member 705). A hemi-lamina/facet prosthesis may have any type of bridging or stabilizing members 761, 762 to provide appropriate stability to the spine (see FIG. 25 and [0117]).	 <p><b>FIG. 25</b></p>

# **ATTACHMENT C** **(CONTINUED)**

Allowed Claims in Non-Provisional Application Ser. 10/615,727	Written Description Support for Allowed Claims in Appln. Ser. 60/160,891 (10/22/99)	Written Description Support for Allowed Claims in Appln Ser. 09/693,272 (10/20/00) – USP 6,610,091.	Written Description Support for Allowed Claims in Appln Ser. 10/615,727 (07/09/03)	Supporting Figures
<p>wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.</p>	<p>FIG. 25 illustrates the prosthesis 700 in position where the first end and the second end of the base members 705 are disposed against, and attached to, the pedicles of the vertebra (i.e., at pedicle attachment holes 725 using pedicle screws 720) while the stabilizing members 762, 761 (i.e., bridging member) and the rest of the vertical members (i.e., base members 705) are displaced from the lamina.</p>	<p>FIG. 25 illustrates the prosthesis 700 in position where the first end and the second end of the base members 705 are disposed against, and attached to, the pedicles of the vertebra (i.e., at pedicle attachment holes 725 using pedicle screws 720) while the stabilizing members 762, 761 (i.e., bridging member) and the rest of the vertical members (i.e., base members 705) are displaced from the lamina.</p>	<p>FIG. 25 illustrates the prosthesis 700 in position where the first end and the second end of the base members 705 are disposed against, and attached to, the pedicles of the vertebra (i.e., at pedicle attachment holes 725 using pedicle screws 720) while the stabilizing members 762, 761 (i.e., bridging member) and the rest of the vertical members (i.e., base members 705) are displaced from the lamina.</p>	